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SUBJECT: BOSNIAKS ATTEMPT TO BLOCK THE WORK OF THE RS
NATIONAL ASSEMBLY

11. (SBU) SUMMARY. In response to a recent decision by the Republika Srpska (RS) Constitutional Court, Bosniak leaders in the RS announced on July 14 that the Bosniak Caucus in the RS Council of Peoples (RS CoP) will attempt to block all laws passed by the RS National Assembly (RSNA) by boycotting sessions of the Council of Peoples, one of the two Houses of the RSNA. Serbs have blasted this move, calling it illegal. The first piece of legislation that might be affected will be the rebalance of the RS's 2009 budget, which is a condition for receiving International Monetary Fund (IMF) funds. It is not clear yet whether the RSNA will be paralyzed by this boycott or whether Serb parties will be able to ignore the boycott and implement legislation without Bosniak participation in the Council of Peoples. Either way, this controversy is already exacerbating political tensions in the RS and Bosnia and Herzegovina (BiH) as a whole. END SUMMARY.

BOSNIAKS THREATEN TO BLOCK RSNA

12. (SBU) Adil Osmanovic (an ethnic Bosniak), one of the two Republika Srpska (RS) Vice Presidents and a Vice President in Sulejman Tihic's Party of Democratic Action (SDA), announced on July 14 that the Bosniak Caucus in the RS Council of Peoples (RS CoP) will "block" all laws passed by the RS National Assembly (RSNA) by boycotting CoP sessions. It is possible that this move could prevent any law passed by the RSNA from going into effect, because the CoP is mandated to review all laws passed by the RSNA to determine whether the laws impinge on a "Vital National Interest" of one of the constituent peoples. Without Bosniak participation, the CoP might lack a quorum to fulfill this function. According to Osmanovic, this blockade will continue until the RS Constitutional Court (RS CC) reverses its recent ruling upholding the RSNA's decision to remove the prefix "Bosanski" from the names of two towns in the RS. Additionally, according to Osmanovic, the Bosniaks will demand that the Constitutional Court change the voting procedures in its book of rules, "to prevent further outvoting of Bosniaks." Osmanovic said that under the current procedures, the RS CC "commits political violence against Bosniaks."

SERBS CALL FOR ABOLISHMENT OF CoP

13. (SBU) Serbs were quick to condemn the move. RS Prime Minister Milorad Dodik said that "there is one way to resolve this matter: Dayton did not foresee an RS CoP, so we will see if the CoP continues to exist." Serb Democratic Party (SDS) President Mladen Botic openly called for the abolishment of the RS CoP, adding that the RS CoP was "imposed by

internationals." Mladen Ivanic, President of the Party of Democratic Progress (PDP), announced that the RSNA "should ignore the blockade and continue to enact laws despite it." He asked, "if they (Bosniaks) do not respect the Constitution, why should we respect them?" RS President Rajko Kuzmanovic, a close ally of Dodik, said that the Bosniaks' decision "has no basis in the RS Constitution or in the RS CoP book of rules," and he called on Bosniaks to "reassess their position." Additionally, Serbs scoffed at Bosniak claims that they are being outvoted in the RS CC, claiming that the same thing happens to Serbs regularly in the state-level Constitutional Court. Moreover, the Serb Caucus, as well as the Caucus of the "Others" in the RS CoP, expressed concern that the Bosniaks' initiative could paralyze RS institutions and jeopardize the recently-signed standby arrangement with the International Monetary Fund (IMF) (Ref B).

HOW THE BLOCKADE WOULD WORK, PROCEDURALLY

¶4. (SBU) Perica Rajcevic, RSNA Speaker Igor Radojicic's Chief of Staff and an MP in the RSNA, told us that after the RSNA passes a law, RSNA officials take several days to prepare the final document for forwarding to the RS CoP. Rajcevic said that the RSNA would probably forward the rebalance of the RS budget to the RS CoP around July 22. He explained that from the time the RS CoP stamps the documents as received, it has seven days in which to review them and to raise a "vital national interest (VNI)" complaint. He said that the date-stamp is an administrative matter, and the boycott will not affect it.

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¶5. (SBU) Zeljko Mirjanic, Caucus Head of Dodik's Alliance of Independent Social Democrats (SNSD), told us on July 15 that if the RS CoP does not raise VNI within seven days, then the measure will go to the RS President and be published in the RS Official Gazette, thereby going into effect. He said that if the Bosniaks do not go to work, and no one else raises VNI, then the measures should go into effect. Politically, however, Mirjanic admitted that it is not so simple. He said that if the RSNA ignores the boycott, then there could be problems later on. Mirjanic said that he expects the Central Election Commission (CEC) or the High Representative (HR) to "take away the mandates of MPs who refuse to do their jobs."

WILL THE BLOCKADE IN FACT CRIPPLE THE RSNA?

¶6. (SBU) Constitutional law scholar and Deputy Speaker of the RS CoP Miroslav Mikes reportedly stated that if the Bosniak Caucus proceeds with this initiative, it would essentially remove itself from the legislative process, and the RSNA could continue to function without it. However, Radojicic has said that the Bosniaks can prevent legislation from going into force. For example, he said that the rebalance of the RS budget, which the RSNA adopted on July 15, cannot go into effect "if the RS CoP does not carry out its role in the process." On the other hand, he continues to insist that the RS will "find a legal way to resolve this issue," adding that, "if they do not want to do their job, then we will find a way to de-block this." Rajcevic told us on July 17 that if the Bosniak Caucus boycotts the work of the RS CoP, then Radojicic plans to interpret their silence as consent. (Note: The first law that the RSNA passed since the Bosniaks announced their blockade was the rebalance of the RS 2009 budget, to bring it into compliance with the IMF conditions for release of additional standby fund loan funds. The impasse should come to a head sometime around July 29, when the seven-day deadline for the RS CoP to review that law expires. This will be the test case for the Bosniak blockade and Radojicic's proposed response. End Note.)

COMMENT

17. (SBU) It is not clear how the legal and political issues raised by this action of the Bosniak caucus will be resolved.

Serbs appear inclined to ignore the CoP boycott and wait to see if this leads to legal challenges of the legislation passed by the RSNA. Serbs do seem to realize, however, that ignoring the boycott could impart at least the appearance of impropriety. Serbs may be able to argue that Bosniaks, in using the tactics of a boycott, are undermining their own complaints that Serbs blockade the work of BiH State-level institutions. By resorting to boycott and blockade to try to reverse precedents for RS Constitutional Court practice that have gone unchallenged for years, the Bosniaks appear to be playing with a weak political hand. The outcome regarding the IMF law will help determine whether this tactic can be an effective political challenge to the RS Constitutional Court decision.

ENGLISH